

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 198

(By Mr. Bowling, by request)



PASSED March 4, 1939

In Effect ninety days from Passage

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House Bill No. 198

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[Passed March 4, 1939; in effect ninety days from passage.]

AN ACT to amend and reenact sections six and seven, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to public health.

Be it enacted by the Legislature of West Virginia:

That sections six and seven, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Article 1. State Department of Health.

Section 6. *General Duties of State Department of Health.*

- 2 The state department of health shall have the authority to
- 3 enforce all the laws of the state concerning the public health,
- 4 and shall take care to protect the life and health of the
- 5 inhabitants of the state, and to that end shall make or cause
- 6 to be made sanitary investigations and inquiries respecting

7 the cause of diseases, especially of epidemic, endemics, and
8 the means of prevention, suppression or control, the source
9 of mortality and the effects of localities, employments, habits
10 and circumstances of life on the public health, and shall
11 gather information in respect to these matters and kindred
12 subjects for diffusion among the people. It shall inspect and
13 examine food, drink and drugs offered for sale or public
14 consumption in such manner as shall be deemed necessary,
15 and shall report all violations of all laws of this state relating
16 to pure food, drink and drugs to the prosecuting attorney
17 of the county in which such violations occur, and lay before
18 such prosecuting attorney the evidence in its knowledge of
19 such violations. The commissioner of health or any member
20 of the public health council may make complaint and cause
21 proceedings to be instituted against any person or persons or
22 corporation for a violation of any of the health laws of this
23 state, without the sanction of the prosecuting attorney of the
24 county in which proceedings are instituted, if said officer fail
25 or refuse to discharge his duty, and in no such cases shall
26 they be required to give security for costs.

27 The public health council shall promulgate and enforce

28 regulations covering the design of all public water systems,
29 plumbing systems, sewerage systems and sewage treatment
30 plants, swimming pools and excreta disposal methods in West
31 Virginia, whether publicly or privately owned, and the
32 operation and qualifications of chlorination plant operators,
33 chemists, bacteriologists and superintendents of filtration, or
34 others who are in actual charge of plant operation of all
35 public water systems, sewage treatment plants and swimming
36 pools.

37 Nothing herein contained shall be construed to give the
38 state department of health the power to regulate or interfere
39 with the drainage from any mine or manufacturing plant
40 unless the drainage from said mine or manufacturing plant
41 shall contain disease producing bacteria in sufficient numbers
42 to endanger health, organic or inorganic wastes of such
43 nature as to cause the water intended for public or private
44 water supplies to be unfit for use.

Sec. 7. *Supervision Over Local Sanitation.* No county or
2 municipal government, public or private institution, firm,
3 corporation or company, person or persons shall establish
4 any system or method of drainage, water supply, excreta

5 disposal or system of garbage and refuse disposal in West
6 Virginia unless the same is installed in accordance with plans
7 and instruction issued by the state department of health or
8 has been approved in writing by the state health commissioner
9 or his authorized representative.

10 Whenever the state health commissioner or his authorized
11 representative finds upon investigation that any system or
12 method of plumbing, drainage, water supply, excreta dis-
13 posal or garbage or refuse disposal, whether publicly or
14 privately owned, is such as to endanger the public health
15 or is creating a nuisance that is detrimental to health, the
16 state health commissioner or his duly authorized representative
17 shall be empowered to issue an order requiring the owner of
18 such system or method to make such alterations as may be
19 required by the state health department to correct the im-
20 proper condition within a reasonable time.

21 The personnel of the state health department shall be at
22 the disposal of any county, municipality, firm, corporation,
23 company, person or persons to consult and advise with them
24 as to the most appropriate design, method of operation or
25 alteration of the systems or methods outlined in this section.

26 Any county, municipality, public or private institution,
 27 firm, corporation, company, person or persons who shall
 28 violate any provision of this act shall be deemed guilty of a
 29 misdemeanor and upon conviction thereof shall be punished
 30 by a fine of not less than ten dollars nor more than one
 31 hundred.

32 The provisions of this act shall be construed as separable
 33 and severable, and should any of the provisions or parts
 34 thereof be held to be unconstitutional, or for any reason
 35 invalid, the remaining portions shall not be affected thereby.

36 All acts or parts of acts in conflict with this act are hereby
 37 repealed.

I hereby certify that the foregoing act has been approved by the Governor and has been returned to the Legislature by him to the House of Representatives within the time specified by the Constitution of the State of Michigan and that it has become a law without his approval.

This day of _____ 1921

[Handwritten signature]

 GOVERNOR

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. Wiseman
.....
Chairman Senate Committee

W. B. Walter
.....
Chairman House Committee

Originated in the *House of Delegates*

Takes effect *ninety days from* passage.

Shaw
.....
Clerk of the Senate

W. H. Hall
.....
Clerk of the House of Delegates

Wm. Brown
.....
President of the Senate

James T. Thomas
.....
Speaker House of Delegates

I certify that the foregoing act, having been presented to the Governor for his approval, ^{The within} and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval. this the....., 1939.

This the *17th* day of *March*, Governor. 

Wm. S. O'Brien
.....
SECRETARY OF STATE